



**DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING
ENFORCEMENT DIVISION
*DIRECTIVE***

**DIRECTIVE
NUMBER
230**

**DISTRIBUTION
DATE
October 1, 1998**

1. **SUBJECT: COMPLAINTS REGISTERED OUTSIDE THE OFFICE WHERE FILED**
2. **PURPOSE:** To set forth the procedures for handling complaints filed in one District Office but registered and investigated in another District Office.
3. **BACKGROUND:** Generally, complaints of discrimination that fall within the scope of the Department's authority may be filed in any Department of Fair Employment and Housing (DFEH) District Office. In most instances such complaints are processed, i.e., accepted, registered, investigated, and closed, in the District Office where the intake interview is conducted. However, there are circumstances where it is more expedient for a complaint to be accepted in one District Office and transferred to another for processing. For example, a complainant who resides in Sacramento files a complaint in the Sacramento District Office against his/her former employer who is located in San Diego. This Directive provides guidelines for determining when such complaints are to be referred to another District Office for registration, service, and investigation.
4. **PROCEDURES:**
 - A. **Definitions:**
 - 1) A complaint is considered **"filed"** when it is signed by the complainant and date stamped by a District Office. This date ultimately establishes the anniversary date and commences the one year time frame in which the Department is required to file an accusation.
 - 2) A complaint is considered **"registered"** only after it has been "filed." **Registration** includes entering the complaint into the CMIS, thereby assigning it a DFEH case file number with the District Office identifier.
 - 3) The **"intake office"** is the District Office in which the complainant is interviewed and the complaint is filed.
 - 4) The **"processing office"** is the District in which the complaint is registered, served, and investigated.

B. Conditions For Forwarding a Complaint to Another District Office for Registration and Processing:

Complaints will be forwarded to another District Office for registration and processing under the following circumstances:

- 1) The location of the investigation site falls within the area served by another District Office. However, the mere fact that the headquarters for a respondent is located in the area served by another District Office does not necessarily justify that it be forwarded. The following factors must be considered:
 - a) The need for an on-site investigation and where it would occur;
 - b) Whether information necessary to complete the investigation can be obtained by mail or through telephone interviews; and
 - c) Whether the transfer will result in a more efficient investigation.
- 2) Where there is a conflict of interest (refer to Directive 104, "Conflict of Interest in Case Processing"). Complaints forwarded to another office for such reasons must have the approval of the appropriate Regional Administrator.

C. Exceptions:

In certain circumstances a complaint meeting the criteria listed in Section 4.B., above, will **not** be referred out but rather will be registered, served and closed **by the intake office**. These circumstances are:

- 1) Waived immediately to EEOC;
- 2) Closed immediately on the basis of "elected court action"; or
- 3) Accepted "For Filing Purposes Only."

D. **Procedures For Forwarding A Complaint for Registration and Processing:**

- 1) Intake will be conducted in the normal manner except the complaint will **not be** registered or served.
- 2) The District Administrator of the *intake office* will confer with the District Administrator of the *processing office* prior to the forwarding of any complaint. If there is any disagreement regarding the proposed referral or a dispute regarding which office is responsible for processing the complaint, the District Administrators should contact the appropriate Regional Administrator for assistance in resolving the matter.
- 3) Once all of the intake materials have been completed, the entire intake package will be forwarded to the *processing office* by Certified Mail, Return Receipt Requested, with Transmittal - Unregistered Complaint (DFEH-600-30). Copies should be retained by the *intake office*. The intake package should include the following:
 - a) The Pre-Complaint Questionnaire;
 - b) The intake Consultant's interview notes;
 - c) Any documents supplied by the complainant;
 - d) The typed and signed complaint;
 - e) The appropriate completed Supplement to Notice of Filing; and
 - f) An EDP Open Report (DFEH-800-05C or DFEH-800-05E), including (where appropriate) a Co-Respondent EDP Open Report (DFEH-800-03).
- 4) In instances where a **complaint is mailed for signature**, support staff in the *intake office* will:
 - a) Send the complainant the drafted complaint accompanied with the "Complaint Mailed For Signature Letter" (DFEH-200-20 or DFEH-200-20M), and a return envelope addressed to the *processing office*.
 - b) Send the *processing office* the original intake materials, including a copy of the complaint and a copy of the "Complaint Mailed For Signature Letter" sent to the complainant.
- 5) In the event that the intake paperwork is incomplete or does not meet Department standards (e.g., the supplement to service is not complete,

etc.), the District Administrator of the *processing office* may contact the District Administrator of the *intake office* and ask that the oversight be corrected. Should this occur, the *processing office* should register the complaint and monitor receipt of the corrected paperwork to ensure that the rights of the complainant are protected.

- 6) The *processing office* will register the complaint in the usual manner and prepare it for investigation.

5. **APPROVAL:**

Nancy C. Gutierrez, Director

Date